

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

EUGENIO GARDUNO GUEVARA,)	
)	
Plaintiff/Petitioner,)	
)	
v.)	No.: 3:15-CV-548-TAV-DCP
)	
ALMA SOTO SOTO,)	
)	
Defendant/Respondent.)	

ORDER

This civil matter is before the Court on the Report and Recommendation entered by Magistrate Judge Debra C. Poplin, on November 21, 2018 (the “R&R”) [Doc. 51]. Before the magistrate judge was Petitioner’s Motion for Writ of Body Attachment of Respondent and Minor Child and for Warrant of Arrest for Respondent [Doc. 43]. In the R&R, Magistrate Judge Poplin recommends that Petitioner’s motion be granted in part and denied in part. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

In particular, the magistrate judge recommends that: (1) Respondent be ordered to appear before the district judge on a day certain to show cause as to why she should not be held in contempt of court; and (2) the Clerk of Court be directed to issue a writ of attachment ordering the United States Marshals Service to take possession of the child and deliver the child to the Tennessee Department of Human Services for temporary placement,

after which said agency shall make the appropriate arrangement with the United States Central Authority for the child's return to Mexico or to Petitioner, and said agency shall coordinate with Petitioner's counsel and the United States Central Authority to effectuate a smooth transfer of the child to Petitioner or to Mexico at an appropriate border station.

After careful review of the matter, the Court adopts the magistrate judge's findings of fact and is in agreement with the magistrate judge's recommendations. The Court therefore **ACCEPTS** the magistrate judge's report and recommendation [Doc. 51] in full pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. The Clerk of Court is **DIRECTED** to issue a Writ of Attachment, pursuant to Federal Rule of Civil Procedure 70, ordering the United States Marshals Service to take possession of the Child, and to deliver the Child to the Tennessee Department of Human Services (or similar agency in the state in which the Child is found) for temporary placement, after which said agency shall make the appropriate arrangements with the United States Central Authority for the Child's return to Mexico or to Petitioner, and said agency shall coordinate with Petitioner's counsel and the United States Central Authority to effectuate a smooth transfer of the Child to Petitioner or to Mexico at an appropriate border station.
2. The Court will hold in abeyance ordering Respondent to appear on a date certain to show cause as to why she should not be held in contempt of Court for failing to comply with the Court's prior Orders [Docs. 20, 22], finding that such an order would be futile at this time.

ENTER:

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE